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## FACSIMILE TRANSMITTAL SHEET

**DATE:** June 6, 2007

**TO:** Office of Petitions  
United States Patent and Trademark Office

**FAX#:** 571-273-8300

**FROM:** Sonia K. Guterman and Adam M. Schoen

**RE:** U.S. Patent Application No. 10/083,245  
Entitled: CERTAIN ALKYLENE DIAMINE-SUBSTITUTED PYRAZOLO...  
Applicants: Darrow et al.  
Filed: February 25, 2002  
Docket No: 37737-003

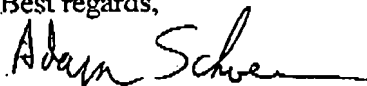
TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 5

## COMMENTS OR INSTRUCTIONS:

To whom it may concern,

Please see attached Request for reconsideration regarding the above application.

Best regards,



Adam M. Schoen, Reg. No. 58,576  
Attorney for Applicants

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10/083,245  
Petition for reconsideration

Facsimile No.: (571) 273-8300  
Date of Facsimile: June 6, 2007

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 06 2007

Applicants:	Darrow et al.	Docket No.:	37737-003
Serial Number:	10/083,245	Examiners:	Truong, T. (old); Moore, S.
Filing Date:	February 25, 2002	Art Unit:	1624
Title:	Certain alkylene diamine-substituted pyrazolo[1,5-a]-1,5-pyrimidines and pyrazolo[1,5-a]-1,3,5-triazines		

Request for reconsideration of petition under 37 C.F.R. §1.181(a)  
to withdraw holding of abandonment

1. Reconsideration is respectfully requested of a Decision mailed from the U.S. Patent and Trademark Office on April 27, 2007 regarding a renewed petition under 37 C.F.R. §1.181(a), to withdraw a holding of abandonment in the above case. The Decision states on p. 2, "[t]his application was abandoned because petitioner failed to file a proper reply to the final Office action not because the Office did not mail a Notice of Allowance or advisory action." According to criteria established in the *Manual of Patent Examining Procedure*, "[e]xcept where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection." *Manual of Patent Examining Procedure* §714.13(I), 8th Ed. Rev.2, May 2, 2004, hereinafter M.P.E.P. Applicants' respectfully traverse and show below that a proper reply to the final Office action was in fact timely submitted and therefore the holding of abandonment in the above case should be withdrawn.
2. A final Office action mailed October 12, 2005 rejected pending claims for obviousness-type double patenting, and rejected claim 37 under 35 U.S.C. §112 ¶2 because of a clerical error in the dependency of this claim. No other outstanding rejections were presented in this Office action. Applicants responded on December 9, 2005 to the final Office action, as acknowledged in the Decision, and this reply was timely received by the Office, within two months of mailing of the final Office action. This response provided a Terminal Disclaimer to overcome the obviousness-type double patenting rejection of claims, and claim 37 was amended to correct the clerical error and overcome the 35 U.S.C. §112 ¶2 rejection. The Terminal Disclaimer was accepted and posted on Public PAIR. See Appendix A attached hereto which is a print-out of the Terminal Disclaimer Approval form used by the Office.
3. By submitting the Terminal Disclaimer and amending claim 37 to correct the clerical error, Applicants' reply adopted Examiner suggestions, removed issues for appeal, and required only cursory review. Therefore, by the criteria in M.P.E.P. §714.13(I), Applicants' Amendment and Response was a proper reply to a final Office action, and by right Applicants' expected either an Advisory Action as required under M.P.E.P. §706.07(I) and §714.13, or a Notice of Allowance.

4. While it is correct that an amendment after final rejection does not operate to avoid abandonment, the fact that Applicants responded timely to the Office Action is of record, the reply was a proper reply to a final rejection in accordance with M.P.E.P. §714.13(I), and entitled Applicants to receive an Advisory Action or a Notice of Allowability. Applicants respectfully request that the holding of abandonment be withdrawn, and a non-final Office action be mailed to Applicants' representative. Applicants believe that no fee is due with this petition, and authorize any fee that may be due to be charged to Deposit Account Number 503344, Ref. No. 37737-003.

Respectfully submitted,



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Dated: June 6, 2007

## Appendix A

<b>Application Number</b> 	<b>Application/Control No.</b> 10/083,245	<b>Applicant(s)/Patent under Reexamination</b> DARROW ET AL.
<b>Document Code - DISQ</b>		<b>Internal Document - DO NOT MAIL</b>

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : 01/04/06	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Dorethea Lawrence

U.S. Patent and Trademark Office